

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3       NICOLE GARDNER,

4               Plaintiff

5       v.

6       WALMART, INC., et al.,

7               Defendants

Case No.: 2:20-cv-00071-APG-DJA

**Order Rejecting Proposed Joint Pretrial  
Order**

[ECF No. 29]

8               The parties' proposed Joint Pretrial Order (ECF No. 29) does not comply with Local  
9 Rules 16-3 and 16-4. In her exhibit list, the plaintiff "reserves the right to utilize . . . any other  
10 documents produced or witnesses listed, via discovery responses, disclosures, or an Order of the  
11 Court by any party." ECF No. 29 at 7. There is no right to utilize untimely designated trial  
12 exhibits. Local Rule 16-3(b)(8) requires parties to list their trial exhibits, rather than doing so  
13 later. The failure to disclose exhibits makes it impossible for the other party to object and to  
14 prepare for trial.

15              Further, the parties fail to list their objections to each other's proposed trial exhibits.  
16 Instead they "reserve the right to object to exhibits. The parties have agreed to reserve any such  
17 objections until the time of trial." *Id.* at 9. Again, there is no right to violate local rules. Local  
18 Rule 16-3(b)(8)(B) requires the parties to "state the grounds for [each] objection" in the Pretrial  
19 Order.

20              The plaintiff lists over 70 witnesses it intends to call at trial. *Id.* at 11-14. Yet the  
21 plaintiff agrees the trial will take only five to seven days. *Id.* at 16. It is apparent that the  
22 plaintiff's counsel has not properly thought through how the case will be presented at trial.  
23

1 Instead, counsel has listed what seems like every person identified during discovery, much like  
2 the plaintiff's counsel seems to have designated every produced document as a trial exhibit.

3 Local Rules 16-3 and 16-4 are designed to streamline trial preparation and presentation,  
4 and to foster settlement. The parties cannot wait to make trial decisions until the eve of trial.  
5 Such tactics prevent full participation in settlement discussions and deprive the other side the  
6 ability to efficiently prepare for trial. It is apparent from the proposed Joint Pretrial Order that  
7 the parties (particularly the plaintiff) ignored Local Rule 16-3.

8 I THEREFORE ORDER that the parties' Joint Pretrial Order (**ECF No. 29**) is  
9 **REJECTED**. The parties shall confer as required in Local Rule 16-3 and submit a Joint Pretrial  
10 Order that complies with Local Rules 16-3 and 16-4 by June 4, 2021.

11 DATED this 11th day of May, 2021.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE